

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

Plaintiff/  
Moving Party

- and -

JIM BOAK, JOANNE CALLAWAY, HILDA FISHER,  
LORI INVERARITY, LEO LUCIO, GIL PONTE, MANBAE SINGH-GALL  
DARLENE THOMPSON and JOHN DOE

Defendants/  
Responding Parties

**NOTICE OF MOTION**

THE PLAINTIFF will make a Motion to a judge on Thursday, February 10, 2022 at 2:30 PM, WITHOUT NOTICE, or as soon after that time as the motion can be heard.

**PROPOSED METHOD OF HEARING:**

- ☐ In writing under subrule 37.12.1 (1) because it is made without notice;
- ☐ In writing as an opposed motion under subrule 37.12.1 (4);
- ☐ In person;
- ☐ By telephone conference;
- X By video conference.**

at the following location: 245 Windsor Avenue, Windsor, Ontario, N9A 1K2

THE MOTION IS FOR:

- (a) If necessary, an Order waiving, abridging the time for and validating the service, filing and confirmation of this Notice of Motion and the materials filed in support thereof;
- (b) An Order for an interim, interlocutory and/or permanent injunction restraining and enjoining the Defendants and any person having notice of the Order from impeding or blocking access to and from the Ambassador Bridge;
- (c) Costs of this Motion on a substantial indemnity basis against anyone who opposes the relief sought, or, on such other terms as this Honourable Court may deem just; and
- (d) Such further and other relief as this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

- (a) There is a *prima facie* case;
- (b) Irreparable harm will be suffered should the relief requested herein not be granted, for which it will not be able to be compensated in damages;
- (c) The balance of convenience favours the granting of the relief;
- (d) The Defendants are in breach of various City of Windsor Bylaws;
- (e) The Plaintiff undertakes to commence a proceeding forthwith;
- (f) Rules 1.04, 2.03, 3.02, 37, 37.07(2), 37.17, 39.03(4), and 40 of the *Rules of Civil Procedure* of the *Rules of Civil Procedure*;
- (g) Section 101 of the *Courts of Justice Act*;
- (h) Section 440 of the *Municipal Act, 2001*; and
- (i) Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) The Affidavits sworn in support of the Motion;
- (b) *Viva voce* evidence of witnesses; and
- (c) Such further and other material as counsel may advise and this Honourable Court may permit.

Dated: February 10, 2022

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**LAWYERS FOR THE PLAINTIFF**

AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

v.

JIM BOAK et al

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PROCEEDING COMMENCED AT WINDSOR

**NOTICE OF MOTION**

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*Our File: 80695*